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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
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12 BOARD OF TRUSTEES OF THE
LABORERS HEALTH AND WELFARE
13 TRUST FUND FOR NORTHERN
CALIFORNIA; BOARD OF TRUSTEES OF
14 THE LABORERS VACATION-HOLIDAY
TRUST FUND FOR NORTHERN
15 CALIFORNIA; BOARD OF TRUSTEES OF
THE LABORERS PENSION TRUST FUND
16 FOR NORTHERN CALIFORNIA; and
BOARD OF TRUSTEES OF THE
17 LABORERS TRAINING AND RETRAINING
TRUST FUND FOR NORTHERN
18 CALIFORNIA,

19 Plaintiff,

20 vs.

21 A & B BUILDING MAINTENANCE CO.,
INC., a California corporation; and ROBERT
22 L. HERNANDEZ, an individual,

23 Defendant.
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Case No.: CV 12-01609 NC

**REQUEST TO DISMISS CASE
WITHOUT PREJUDICE; ORDER
THEREON**

1 Plaintiffs Laborers Trust Funds respectfully request that this Court dismiss this entire
2 action, without prejudice, on the following grounds:

3 On March 30, 2012, Plaintiffs Laborers Trust Funds filed their Complaint for Damages
4 for Breach of Collective Bargaining Agreement and For a Mandatory Injunction ("Complaint").
5 By their Complaint, Plaintiffs sought to conduct an audit of Defendant A & B Building's books
6 and records for the period January, 2007 through the present, to determine if Defendant A & B
7 Building properly reported and paid its trust fund contributions on behalf of its covered workers.

8 Defendants allowed the audit and the audit was recently completed. If there is a dispute
9 regarding alleged outstanding trust fund contributions due and owing on behalf of Defendants'
10 covered employees that cannot be resolved informally, Plaintiffs will initiate a further action to
11 collect any outstanding trust fund contributions.

12 Based on the above, Plaintiffs respectfully request that this Court dismiss this entire
13 action, without prejudice.

14 DATED: September 27, 2012

15 BULLIVANT HOUSER BAILEY PC

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17 By /s/ Arlena V. Carrozzi

18 Ronald L. Richman

19 Susan J. Olson

20 Arlena V. Carrozzi
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ORDER

Pursuant to the Plaintiff's request to dismiss this case without prejudice and good cause appearing:

IT IS HEREBY ORDERED that this case be and hereby is dismissed, without prejudice. The October 3, 2012 Case Management Conference is hereby vacated.

DATED: September 28, 2012

By 
HON. NATHANAEL M. COUSINS
UNITED STATES MAGISTRATE JUDGE

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